



MAIL STOP AF  
EXAMINING GROUP 2613

PATENT  
129250-002053/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Carl A. Caroli et. al. Conf.: 9196

Appl. No.: 09/896,248 Group: 2613

Filed: June 29, 2001 Examiner: Shi K. Li

For: WAVELENGTH-SELECTIVE ADD/DROP ARRANGEMENT FOR  
OPTICAL COMMUNICATION SYSTEMS

Docket No.: 129250-002053/US

**NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
**Mail Stop AF**

June 20, 2006

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated March 20, 2006 of the Supervisory Patent Examiner finally rejecting claims 1-22.

- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- The enclosed document is concurrently filed with a Pre-Appeal Brief Request for Review.

Applicants hereby petition for an extension of \_\_\_\_\_ (      ) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

06/21/2006 MBIZUNES 00000060 09896248  
01 FC:1401 500.00 OP

- NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.
- An extension of \_\_\_\_\_ ( ) month(s) for responding to the Final Rejection was previously requested and paid for on \_\_\_\_\_. Thus a fee of \$\_\_\_\_\_ is required.
- Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

- Large entity - \$500.00
- Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$500.

Payment of the above TOTAL FEE is being made in the following manner:

- Check in the amount of \$500.00 is enclosed.
- Please charge Deposit Account No. 50-3777 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By

  
John E. Curtin, Reg. No. 37,602

P.O. Box 1995  
Vienna, Virginia 22183  
(703) 266-3330

Please type a plus sign (+) inside this box → +



# TRANSMITTAL FORM

(This form may be used for all correspondence after initial filing)

|                        |                      |
|------------------------|----------------------|
| Application Number     | 09/896,248           |
| Filing Date            | June 29, 2001        |
| Inventor(s)            | Carl A. Caroli et al |
| Group Art Unit         | 2633                 |
| Examiner Name          | Shi K. Li            |
| Attorney Docket Number | 129250-002053/US     |

## ENCLOSURES (check all that apply)

|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input checked="" type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><br><input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Change of Correspondence Address and Revocation/POA<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims)<br><br><input checked="" type="checkbox"/> Appeal Communication to Group<br>( <u>Notice of Appeal, Brief, Reply Brief</u> )<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input type="checkbox"/> Other Enclosure(s)<br>(please identify below): |
| Remarks  |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |                                 |                    |
|-------------------------|---|---------------------------------|--------------------|
| Firm or Individual name | CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC | Attorney Name<br>John E. Curtin | Reg. No.<br>37,602 |
| Signature               |   |                                 |                    |
| Date                    | June 20, 2006                             |                                 |                    |

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

## Complete If Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/896,248       |
| Filing Date          | June 29, 2001    |
| First Named Inventor | Carl A. Caroli   |
| Examiner Name        | Shi K. Li        |
| Art Unit             | 2613             |
| Attorney Docket No.  | 129250-002053/US |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  Other  None Order
 Deposit Account:

Deposit Account Number 50-3777 for additional debits/credits

Deposit Account Name Capitol Patent & Trademark Law Firm, PLLC

## The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description                 | Fee Paid |
|--------------|--------------|---------------------------------|----------|
| Fee Code     | Fee Code     | Fee Description                 |          |
| 1011         | 300          | 2011 150 Utility filing fee     |          |
| 1012         | 200          | 2012 100 Design filing fee      |          |
| 1013         | 200          | 2013 100 Plant filing fee       |          |
| 1014         | 300          | 2014 150 Reissue filing fee     |          |
| 1005         | 200          | 2005 100 Provisional filing fee |          |
| SUBTOTAL (1) |              | (\$ 0)                          |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    | Extra Claims                | Fee from below | Fee Paid |
|--------------------|-----------------------------|----------------|----------|
| Total Claims       | 29 -20 ** = 9 prev paid for | X [ ]          | = 0      |
| Independent Claims | 7 -3 ** = 4 prev paid for   | X [ ]          | = 0      |
| Multiple Dependent |                             | [ ]            | = 0      |

| Large Entity | Small Entity | Fee Description  |
|--------------|--------------|--|
| Fee Code     | Fee Code     | Fee Description  |
| 1202         | 50           | 2202 25 Claims in excess of 20                                     |
| 1201         | 200          | 2201 100 Independent claims in excess of 3                         |
| 1203         | 360          | 2203 180 Multiple dependent claim, if not paid                     |
| 1204         | 200          | 2204 100 ** Reissue independent claims over original patent        |
| 1205         | 50           | 2205 25 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) |              | (\$ 0)   |

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for reexamination                                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 120      | 2251     | 60       | Extension for reply within first month                                     |          |
| 1252     | 450      | 2252     | 225      | Extension for reply within second month                                    |          |
| 1253     | 1020     | 2253     | 510      | Extension for reply within third month                                     |          |
| 1254     | 1,590    | 2254     | 795      | Extension for reply within fourth month                                    |          |
| 1255     | 2,160    | 2255     | 1080     | Extension for reply within fifth month                                     |          |
| 1401     | 500      | 2401     | 250      | Notice of Appeal   | 500.00   |
| 1402     | 500      | 2402     | 250      | Filing a brief in support of an appeal                                     |          |
| 1403     | 1000     | 2403     | 500      | Request for oral hearing   |          |
| 1452     | 500      | 2452     | 250      | Petition to revive – unavoidable   |          |
| 1453     | 1500     | 2453     | 750      | Petition to revive – unintentional   |          |
| 1501     | 1400     | 2501     | 700      | Utility issue fee (or reissue)   |          |
| 1502     | 800      | 2502     | 400      | Design issue fee   |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790      | 2809     | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 790      | 2801     | 395      | Request for Continued Examination (RCE)                                    |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 500)

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description         | Fee Paid |
|----------|----------|----------|----------|-------------------------|----------|
| 1111     | 500      | 2111     | 250      | Utility Search Fee      |          |
| 1112     | 100      | 2112     | 50       | Design Search Fee       |          |
| 1113     | 300      | 2113     | 150      | Plant Search Fee        |          |
| 1114     | 500      | 2114     | 250      | Reissue Search Fee      |          |
| 1311     | 200      | 2311     | 100      | Utility Examination Fee |          |
| 1312     | 130      | 2312     | 65       | Design Examination Fee  |          |
| 1313     | 160      | 2313     | 80       | Plant Examination Fee   |          |
| 1314     | 600      | 2314     | 300      | Reissue Examination Fee |          |

SUBTOTAL (4) (\$0)

| SUBMITTED BY      |                | Complete (if applicable)          |        |                          |
|-------------------|----------------|-----------------------------------|--------|--------------------------|
| Name (Print/Type) | John E. Curtin | Registration No. (Attorney/Agent) | 37,602 | Telephone (703) 266-3330 |
| Signature         |                |                                   | Date   | June 20, 2006            |

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